

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RAVIN SIMONE SANDERS,
MARTEZ LEQUAN BAILEY, TAMIRA
REE'NA BAILEY, and DARYL CURTIS
WILLIAMS, JR., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
August 16, 2005

v

DARYL C. WILLIAMS,

Respondent-Appellant,

No. 260349
Wayne Circuit Court
Family Division
LC No. 01-399920-NA

and

NATASHA A. WALKER and MARCUL L.
BAILEY,

Respondents.

Before: Zahra, P.J., and Cavanagh and Owens, JJ.

MEMORANDUM.

Respondent Daryl C. Williams appeals as of right from the trial court order terminating his parental rights to the minor child, Daryl, Jr., under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent does not challenge the trial court's finding that statutory grounds for termination had been established but argues only that the trial court erred in failing to find that termination of his parental rights was clearly not in the child's best interests. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court must order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interest. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's best interests determination for clear error. *Id.* at 356-357.

Respondent argues that he had completed anger management and parenting classes, there was a strong bond between respondent and his son, and that both enjoyed their visits together. During earlier periods of this case, respondent was in partial compliance with his treatment plan. However, this evidence not sufficient to overcome the evidence that termination of respondent's parental rights was actually in the child's best interests as the trial court found. The entire record shows that respondent spent a considerable amount of time in jail while this case was under the jurisdiction of the court. Therefore, he had a limited period of time during which he could comply with his treatment plan. His compliance was sporadic and he was never in complete compliance. Respondent did complete two classes, but then he started showing positive drug screens and stopped complying with the ordered drug screens. Respondent did not have suitable housing or employment, became an absconder, and finally ended up in jail. This case stayed in the court system for over 2½ years and during that time respondent never demonstrated that he could stay in compliance with his treatment plan or properly care for his child. We find that the evidence on the whole record supported the trial court's decision. *Trejo, supra* at 354-55; *In re Gazella*, 264 Mich App 668, 678; 661 NW2d 216 (2005).

Affirmed.

/s/ Brian K. Zahra
/s/ Mark J. Cavanagh
/s/ Donald S. Owens